



W.P.No.5721 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 19.02.2025

CORAM:

THE HONOURABLE MR. JUSTICE **D.BHARATHA CHAKRAVARTHY**

W.P.No.5721 of 2025

VARSHINI

... Petitioner

Vs

1. THE DISTRICT COLLECTOR,
TIRUVALLUR DISTRICT,
TIRUVALLUR- 602 001.
2. THE REVENUE DIVISIONAL OFFICER,
AMBATTUR REVENUE DIVISION,
AMBATTUR, CHENNAI- 600 053.
3. S.R. VENTURES,
REPRESENTED BY ITS AUTHORIZED SIGNATORY,
MR. SURYA VENKAT,
TRUSTPAKKAM, MYLAPORE,
CHENNAI- 600 004. PHONE - 9600586622.
4. KUMAR FINANCE,
REPRESENTED BY ITS AUTHORIZED SIGNATORY,
MR. KUMAR,
CHINMAYA NAGAR,
CHENNAI- 600 092. PHONE - 9848921133.
5. SABARI FINANCE,
REPRESENTED BY ITS AUTHORIZED SIGNATORY,
MR. SABARINATHAN MURUGAN,
TNHB, AYYAPAKKAM, CHENNAI – 600 077,
PHONE – 63793 56634.
6. TRUE FINANCE,
REPRESENTED BY ITS AUTHORIZED SIGNATORY,
MR. MANI, THANGAL STREET,



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VIRUGAMBAKKAM,
CHENNAI- 600 092. PHONE – 818999998/8778306994.

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7. SASI FINANCE,
REPRESENTED BY ITS AUTHORIZED SIGNATORY,
MR. PRASHANTH SBM,
KELAMBAKKAM ROAD,
KOLAPAKKAM,
CHENNAI- 600 048, PHONE- 9884476881.
8. SAI BHAJAN FOODS,
REPRESENTED BY ITS AUTHORIZED SIGNATORY,
MR. KASHIK ABHINGA,
POONIAMAN NAGAR,
KIL AYANAMBAKKAM, CHENNAI -600 095.
9. MANIKANDAN FINANCE,
REPRESENTED BY ITS AUTHORIZED SIGNATORY,
MR. MANI, PUZHUTHIVAKKAM,
CHENNAI- 600 091.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India for the issuance of Writ of Mandamus, directing the Respondents 1 and 2 to conduct an enquiry against the respondents 3 to 9, to initiate appropriate action under section 12 of the Tamil Nadu Money Lenders Act 1957 (Act 26/1957) in an expedite manner, by considering the petitioner's representation dated 10.01.2025, within the time frame as fixed by this Court.

For Petitioner : Mr.Hemnaag
for Mr.R.Venkatesan

For R1 & R2 : Mr.R.Murthi
Government Advocate

ORDER



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This writ petition has been filed with a prayer directing the respondents 1 and 2 to conduct an enquiry against the respondents 3 to 9 and to initiate appropriate action under Section 12 of the Tamil Nadu Money Lenders Act, 1957 (Act 26 of 1957) in an expedited manner, considering the petitioner's representation dated 10.01.2025.

2. The case of the petitioner is that the petitioner's father borrowed a loan from the respondents 3 to 9 and unable to bear the burden of the debt, has gone missing. A man missing complaint has already been filed. Under these circumstances, the individuals associated with these private respondents have been visiting the petitioner's house and molesting her and other family members, which constitutes an offence under Section 13 of the Tamil Nadu Money Lenders Act, 1957.

3. The complaint for the said offence cannot be made by the petitioner. However, as per Section 12, the offence will only be taken cognizance of if the prescribed authority files a complaint. The authority is prescribed under the Tamil Nadu Money Lenders Rules, 1959 under Rule 14. Rule 14 states that the authority for the purpose of Section 12 shall be an officer of the



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Revenue Department, not below the rank of a Tahsildar.

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4. Therefore, when the petitioner has made a representation to the Revenue Divisional Officer, it is open for the Revenue Divisional Officer to consider the representation. The Revenue Divisional Officer shall issue notice to both the petitioner and the respondents 3 to 9 and after *prima facie* determining whether an offence of molestation has been committed, if it concludes that an offence punishable under Section 13 of the Tamil Nadu Money Lenders Act, 1957 has been committed by any person, a complaint can then be preferred before the concerned Court.

5. The rights of the parties are not decided and appropriate opportunity is to be provided before the second respondent/Revenue Divisional Officer, to the respondents 3 to 9 and it is open for the respondents 3 to 9 to plead before the authority that they have not committed the offence or that the Act does not apply to them. This writ petition is disposed of at the admission stage without notice to the respondents 3 to 9.

6. The second respondent/Revenue Divisional Officer shall take up the



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petitioner's representation dated 10.01.2025, issue a notice to both the petitioner and the private respondents 3 to 9, and thereafter conduct an enquiry. If an offence appears to have been committed, a complaint shall thereafter be preferred before the appropriate Court in accordance with Section 12 of the Tamil Nadu Money Lenders Act, 1957. The above exercise shall be completed by the second respondent within a period of eight weeks from the date of receipt/production of the web copy of this order, without waiting for the certified copy of the order.

7. With the above directions, this writ petition is disposed of. No costs.

19.02.2025

Neutral Citation: Yes/No
nsl

To

1. THE DISTRICT COLLECTOR,
TIRUVALLUR DISTRICT,
TIRUVALLUR- 602 001.
2. THE REVENUE DIVISIONAL OFFICER,
AMBATTUR REVENUE DIVISION,

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D.BHARATHA CHAKRAVARTHY, J.

ns1



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